REMARKS

The present application has been reviewed in light of the Office Action dated January 19, 2010. Claims 19-50 are presented for examination, of which Claims 19, 25, 29, 36, and 45-50 are in independent form. New Claims 49 and 50 have been added to provide Applicants with a more complete scope of protection. Claims 19, 21, 22, 25, 27-29, 31-33, 36, 38-43, and 45-48 have been amended to define aspects of Applicants' invention more clearly. Support for the claim changes may be found, for example, at page 33, lines 17-18.[1] Favorable reconsideration is requested.

The Office Action objects to the specification as failing to provide proper antecedent basis for the term "microprocessor" and the phrase "computer-readable storage medium." In response, the term "microprocessor" has been deleted from the claims. In addition, the specification has been amended to provide proper antecedent basis for the phrase "non-transitory computer-readable storage medium," as recited in amended Claims 41 and 42. It is respectfully submitted that a person of ordinary skill in the art would understand that a central processing unit can be abbreviated "CPU," and that a hard disk drive is an example of a "non-transitory computer-readable storage medium." Thus, Applicants respectfully submit that no new matter has been added to the disclosure by the amendments to the specification. It is believed that the objections to the specification have been obviated, and their withdrawal therefore is respectfully requested.

The Office Action objects to Claim 35 as being a substantial duplicate of Claim 34. Claim 34 is directed to a wireless communication device that is an image processing apparatus having an image capturing unit for capturing an image. On the other hand, Claim 35 is

[1] Any examples presented herein are intended for illustrative purposes and are not to be construed to limit the scope of the claims.

directed to a wireless communication device that is an image processing apparatus having an image outputting unit for outputting an image. Because an "image capturing unit for capturing an image" is not the same as an "image outputting unit for outputting an image," Applicants respectfully submit that Claim 35 is not a substantial duplicate of Claim 34. Withdrawal of the objection to Claim 35 therefore is respectfully requested.

The Office Action states that Claims 41 and 42 are rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter. In response, each of Claims 41 and 42 has been amended to be directed to a "non-transitory computer-readable storage medium," as suggested by the Examiner. Accordingly, it is believed that the rejections under Section 101 have been obviated, and their withdrawal therefore is respectfully requested.

The Office Action states that Claims 19-21, 23-27, 29-32, 34-39, 41-43, and 44-48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,115,137 (*Ozawa et al.*) in view of U.S. Patent Application Publication No. 2003/0123840 (*Fujinami*); and that Claims 22, 28, 33 and 40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ozawa et al.* in view of *Fujinami*, and further in view of Official Notice. For at least the following reasons, Applicants submit that independent Claims 19, 25, 29, 36, and 45-50, together with the claims dependent therefrom, are patentably distinct from the cited prior art.

The aspect of the present invention set forth in Claim 19 is directed to a wireless communication device. The wireless communication device includes a wireless communication unit, an operation unit, and a processing unit. The wireless communication unit communicates wirelessly. The operation unit accepts a user operation for setting a communication parameter by a user.

Notably, the processing unit performs a process of setting the communication parameter between the wireless communication device and another wireless communication device. The processing unit detects the user operation at the wireless communication device and, based on a signal received by the wireless communication unit, detects an operated device at which a user operation for setting the communication parameter has been made. The processing unit performs the process of setting the communication parameter with the detected operated device through the wireless communication unit. If a plurality of operated devices is detected within a predetermined time period after the user operation at the wireless communication device is detected, the processing unit terminates the process of setting the communication parameter as a failure. By virtue of the operation of the processing unit, if more than one device, other than the device of Claim 19, is operated for setting a communication parameter at substantially the same time, for example, the device of Claim 19 terminates the process of setting the communication parameter as a failure. Therefore, the communication parameter can be set by a single device that is intended to set the communication parameter.

Ozawa et al. relates to an image processing system for processing an image sensed by a digital camera to be printed by a printing apparatus, and a digital camera and printing apparatus suitable for the image processing system (*see* col. 1, lines 6-10). Applicants agree with the Office Action's conclusion that *Ozawa et al.* fails to disclose terminating a process of setting a communication parameter, if a plurality of other wireless communication devices, at which user operations for setting the communication parameter have been made, is detected (*see* Office Action, page 6).

Fujinami is understood to relate to an apparatus used to interconnect an audiovisual apparatus and a plurality of household communication apparatuses (*see* paragraph 2).

Fujinami discusses that, when a DVD player 1-1 receives a control signal from a remote control 4, the DVD player 1-1 determines whether the control signal is received by another apparatus (*see* paragraph 88). When another apparatus also has received the control signal, the DVD player 1-1 notifies a user of a failure in setting a source apparatus, and changes its state to a standby state (*see* paragraph 89).

As best understood by Applicatns, the DVD player 1-1 of *Fujinami* detects when the control signal from the remote control 4 has been received by other DVD players. The remote control 4 is understood to be the only device where a user operation is made. That is, the remote control 4 is the only "operated device" in the system of *Fujinami*. *Fujinami* fails to teach or suggest that the DVD player 1-1 detects a plurality of operated devices, at which user operations have been made. Moreover, *Fujinami* fails to teach or suggest that the DVD player 1-1 terminates a process if it detects a plurality of operated devices, at which user operations have been made.

In summary, Applicants submit that a combination of *Ozawa et al.* and *Fujinami*, assuming such combination would even be permissible, would fail to teach or suggest a wireless communication device that includes "a processing unit that performs a process of setting the communication parameter between the wireless communication device and another wireless communication device," wherein the processing unit "detects the user operation at the wireless communication device," "detects, based on a signal received by the wireless communication unit, an operated device at which a user operation for setting the communication parameter has been made," "performs the process of setting the communication parameter with the detected operated device through the wireless communication unit," and "terminates the process of setting the communication parameter as a failure, if a plurality of operated devices, at which user

operations for setting the communication parameter have been made, is detected within a predetermined time period after the user operation at the wireless communication device is detected," as recited in Claim 19. Accordingly, Applicants submit that Claim 19 is patentable over *Ozawa et al.* and *Fujinami*, and respectfully request withdrawal of the rejection of Claim 19 under 35 U.S.C. § 103(a).

Independent Claims 25, 29, 36, and 45-50 include features sufficiently similar to those of Claim 19 that these claims are believed to be patentable over the cited art for at least the reasons discussed above. The other claims in the present application depend from one or another of independent Claims 19, 25, 29, and 36 and are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the invention, however, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and an early passage to issue of the present application.

* * * * *

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Lock See Yu-Jahnes/

Lock See Yu-Jahnes
Attorney for Applicants
Registration No. 38,667

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200